

REMARKS

Reconsideration of the present application as amended is respectfully requested.

In the Office Action, claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,587,672 (Chuah) in view of U.S. Patent No. 6,490,461 (Muller). In response, independent claims 1, 12, 16 and 20 have been amended to revert back to the original claims and new claims 21-36 have been added. Claims 1, 12, 16 and 20 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. It is respectfully submitted that claims 1-36 are patentable over Chuah and Muller for at least the following reasons.

Chuah is directed to a method and apparatus for enhancing power ramping via multi-threshold detection. As shown in FIG 6A, Chuah has three thresholds and increases the transmitted power by 1dB, 2dB or 3dB depending on the signal level with respect to the three fixed thresholds, as recited on column 8, lines 40-45 and 52-

63. That is, transmitted power is increased when the received signal is below a certain threshold.

There is no teaching or suggestion in Chuah of changing transmitted power based on the disparity or difference between the received signal and the threshold. Rather, the transmitted power is changed merely when the received signal is below the threshold. Chuah does not teach or suggest:

a second power level which is controlled on the basis of the disparity between target and actual quality of reception parameters for said second information units, (emphasis added)

as recited in independent claim 1, and similarly recited in independent claims 12, 16 and 20.

Further, Chuah also does not teach or suggest:

the target quality of reception parameter for said second information units is different to the target quality of reception parameter for said first information units, (emphasis added)

as recited in independent claim 1, and similarly recited in independent claims 12, 16 and 20. Rather, Chuah merely teaches having different fixed thresholds. These different fixed thresholds are NOT associated with any particular signal or information units. All the signals in Chuah are analyzed in view of the very same thresholds, albeit these thresholds are different but all these very same different thresholds are used in

determining the power of any and all transmitted signals. Chuah does not teach or suggest that one transmitted signal is compared to a first threshold while a different transmitted signal is compared to a different second threshold. Rather, all the Chuah transmitted signals are compared to the very same three thresholds.

Using different target quality of reception parameters for different information units provides substantial benefits, such as transmitting first information units at a lower power and tolerating some error, while transmitting second information units (which are more important than the first information units, such as sensitive financial information or banking transactions where high accuracy is needed) at a higher power, thus ensuring correct reception with less errors than the case for the first information units, which may be mere voice and thus some errors or static may be tolerated and acceptable.

Muller is cited to show other features, and does not remedy the deficiencies in Chuah. Accordingly, it is respectfully submitted that independent claims 1, 12, 16 and 20 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-11, 13-15, 17-19 and 21-36 should also be allowed at least based on their dependence from independent claims 1, 12, 16 and 20 as well as for

the separately patentable elements contained in each of the dependent claims.

Claims 21-23, 25-27, 29-31 and 33-35 also include patentable subject matter. In particular, Chuah, Muller, and combination thereof, does not even teach or suggest that:

"said target quality of reception parameter is increased," as recited in claims 21, 25, 29 and 33; or that:

"said target quality of reception parameter is decreased," as recited in claims 22, 26, 30 and 34; let alone teaching or suggesting that:

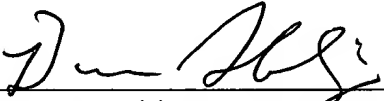
"said target quality of reception parameter is progressively increased," as recited in claims 23, 27, 31 and 35.

Instead of changing the threshold level, Chuah discloses three fixed or constant threshold levels.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
September 27, 2005


Enclosure: Authorization to charge credit card \$800 for 16 claims  
in excess of twenty

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101

CERTIFICATE OF MAILING  
It is hereby certified that this correspondence  
is being deposited with the United States Postal Service  
as first-class mail in an envelope addressed to:

Mail Stop Amendment  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

On 9/27/05  
(Date of Mailing)

By   
Dicran Halajian